



Transportation Committee

**Tuesday, March 21, 2006
3:00 PM - 5:00 PM
404 HOB**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Transportation Committee

Start Date and Time: Tuesday, March 21, 2006 03:00 pm

End Date and Time: Tuesday, March 21, 2006 05:00 pm

Location: 404 HOB

Duration: 2.00 hrs

Consideration of the following bill(s):

HB 97 Safety Belt Law Enforcement by Slosberg
HB 931 Pinellas Suncoast Transit Authority, Pinellas County by Farkas
HB 1041 Noncriminal Traffic Infractions by Dean
HB 1055 Specialty License Plates by Gibson, A.
HB 1107 Road Designations by Jennings
HB 1173 Driver History Records by Ross
HB 1315 Department of Transportation by Russell
HB 1395 Motor Vehicles by Sorensen

NOTICE FINALIZED on 03/17/2006 13:59 by Rousseau.Tiffany

BILL #: HB 97 **Safety Belt Law Enforcement**
SPONSOR(S): Slosberg
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>		Thompson <u>J.T.</u>	Miller <u>P.M.</u>
2) <u>Criminal Justice Committee</u>			
3) <u>Transportation & Economic Development Appropriations Committee</u>			
4) <u>State Infrastructure Council</u>			
5) _____			

Current law requires a motor vehicle operator, front seat passengers, and all passengers and operators less than 18 years of age to wear safety belts. The "Florida Safety Belt Law" is enforced as a secondary offense for operators and passengers 18 and older; that is, law enforcement officers cannot stop motorists 18 and older solely for not using safety belts. Instead, an officer must first stop a motorist who is 18 or older for a suspected violation of state traffic, motor vehicle, or driver license laws before issuing a uniform traffic citation for failure to wear a safety belt. It is a primary offense to operate a motor vehicle in this state unless each passenger and the operator of the vehicle under the age of 18 are restrained by a safety belt or by a child restraint device.

HB 97 gives the act the popular name the "Dori Slosberg Safety Belt Law" and amends the Florida Safety Belt Law to provide for primary enforcement for all motorists. A law enforcement officer would be authorized to stop a motorist and issue a citation for a safety belt violation upon reasonable suspicion that the driver, any passenger under the age of 18 years, or any passenger in the front seat who is 18 years of age or older, is not restrained. A person violating this provision would be cited for a nonmoving violation, punishable by a \$30 fine plus applicable fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from \$68.50 to \$89.50.

Primary enforcement of safety belt violations could result in an increase in the number of citations issued. However, the potential fiscal impacts to state and local governments resulting from penalty revenues are unknown because it is impossible to forecast how many additional citations may be issued. Crash-related injuries and deaths could be reduced thereby decreasing associated medical and insurance costs. If Florida enacts a primary safety belt law it will also be eligible to receive a one-time grant of \$35.5 million from a federal safety belt incentive program (See Fiscal Comments section for additional details.)

This bill will take effect October 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill expands the authority of law enforcement to detain motor vehicle operators, arguably increasing the scope of government rather than decreasing it. Details are provided in the discussion below.

Promote Personal Responsibility—Currently, a person over 18 years of age may not be stopped for a safety belt violation as a primary enforcement action by a law enforcement officer. To the extent that primary enforcement allows more effective enforcement of the safety belt law, the bill tends to increase personal accountability of drivers and passengers for failure to comply with the law.

Safeguard individual liberty—Although the bill does not impose any new regulation upon motor vehicle operators, it does authorize law enforcement officials to detain an individual operating a motor vehicle in circumstances that under current law would not be reasonable grounds for stopping the motorist. Details are provided in the discussion below.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

In 1986, the Legislature enacted the "Florida Safety Belt Law." Section 316.614, F.S., requires a motor vehicle operator, front seat passengers, and all passengers less than 18 years of age to wear safety belts. The law is enforced against any adult driver or adult passenger who is not restrained by a safety belt. If a person under 18 years of age is unrestrained, the law is enforced against the driver. The "Florida Safety Belt Law" is enforced as a secondary offense; that is, law enforcement officers cannot stop motorists solely for not using their safety belts unless the operator or passengers are under 18. Instead, the officer must first stop the motorist for a suspected violation of Chapters 316, 320, or 322, F.S., before the officer can issue a uniform traffic citation for failure to wear a safety belt. In 2005, HB 1697 was passed to amend s. 316.614, F.S., making it a primary offense to operate a motor vehicle in this state unless each passenger and the operator of the vehicle under the age of 18 years is restrained by a safety belt or by a child restraint device.

The penalty for failure to wear a safety belt is \$30, plus administrative and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from \$68.50 to \$89.50. Revenues collected from citations issued for safety belt violations are distributed like other traffic citation revenues, pursuant to s. 318.21, F.S., except that \$5 of each citation paid is directed to the Epilepsy Services Trust Fund. According to the Uniform Traffic Citation Statistics compiled by the Department of Highway Safety and Motor Vehicles, there were 300,213 safety belt violations during the 2004 calendar year.

Those not subject to the safety belt law include:

- Persons certified by a physician as having a medical condition that would cause the use of a safety belt to be inappropriate or dangerous;
- Persons delivering newspapers on home delivery routes during the course of their employment;
- Front seat passengers of a pickup truck in excess of the number of safety belts installed;
- Employees of a solid waste or recyclable collection service on designated routes during the course of their employment;
- Persons occupying the living quarters of a recreational vehicle or the space within the body of a truck used for the storage of merchandise.

According to the National Highway Traffic Safety Administration (NHTSA) there are 22 primary states, 27 secondary states, and 1 state (New Hampshire) that effectively has no belt use law. The National Occupant Protection Use Survey (NOPUS) is an observational survey of safety belt use that began in 1994 and has been used by NHTSA to measure the nation's safety belt use. NOPUS has consistently found higher usage rates in the presence of primary laws, with collective statistically different rates of 83 percent in primary states compared to 75 percent in secondary ones in 2003. Through statewide enforcement/education efforts such as the Buckle Up Florida/Click It or Ticket campaign, Florida has shown an overall increase in seat belt usage rates from 59 percent in 1999 to 76.3 percent in 2004. As of January 23, 2006 Florida's safety belt usage rate was 73.9 percent. Research has found that lap/shoulder belts, when used properly, reduce the risk of fatal injury to front seat passenger car occupants by 45 percent and the risk of moderate-to-critical injury by 50 percent (for occupants of light trucks, 60 percent and 65 percent, respectively).

The SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act) is the current federal transportation act and includes a federal grant program¹ that encourages states to raise safety belt usage. In order to qualify for this program, a state must enact a primary safety belt law, or achieve 85 percent safety belt usage for 2 consecutive years.

Effect of Proposed Changes

HB 97 gives the act the popular name the "Dori Slosberg Safety Belt Law" and amends the Florida Safety Belt Law to provide for primary enforcement for all drivers. A law enforcement officer would be authorized to stop a motorist and issue a citation for a safety belt violation upon reasonable suspicion that the driver, any passenger under the age of 18 years, or any passenger in the front seat who is 18 years of age or older, is not restrained. A person violating this provision would be cited for a nonmoving violation, punishable by a \$30 fine plus applicable fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from \$68.50 to \$89.50.

If Florida enacted a primary safety belt enforcement law, National Highway Traffic Safety Administration (NHTSA) studies forecast that 192 lives would be saved, 2,792 serious injuries would be prevented, and over \$589 million in economic costs would be saved annually. Also, if Florida enacts a primary safety belt law, it will be eligible to receive a one-time grant of \$35.5 million from the SAFETEA-LU safety belt incentive program.

C. SECTION DIRECTORY:

Section 1. Gives the act the popular name the "Dori Slosberg Safety Belt Law."

Section 2. Amends s. 316.614, F.S., to provide for primary enforcement of the safety belt law.

Section 3. Provides that the act shall take effect October 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section.

2. Expenditures:

See FISCAL COMMENTS section.

¹ 23 U.S.C. 406.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS section.

2. Expenditures:

See FISCAL COMMENTS section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See FISCAL COMMENTS section.

D. FISCAL COMMENTS:

Enforcement Impacts

Primary enforcement of some safety belt violations may result in the issuance of an increased number of citations, and the assessment of additional traffic penalties and court costs. However, because it is impossible to forecast how many additional violations will occur and be cited, the fiscal impact on state and local government is unknown.

Safety Impacts

To the extent that the bill increases safety belt usage in Florida, crash-related injuries and deaths could be reduced thereby decreasing associated medical and insurance costs. NHTSA studies forecast that 192 lives would be saved, 2,792 serious injuries would be prevented, and over \$589 million in economic costs would be saved annually, if a primary safety belt enforcement law were enacted.

Federal Funds Issues

Section 157 in Title 23, of the United States Code as established by the previous federal transportation act authorized incentive funds for Federal Fiscal Years (FFY) 1999 through 2003. These incentive funds were awarded annually to states whose seat belt use rates for a given year either exceeded the national average or exceeded the state's highest achieved seat belt usage rate during certain designated previous years.

Through statewide enforcement/education efforts under the Buckle Up Florida/Click It or Ticket campaign, administered by the Florida Department of Transportation (FDOT) Safety Office, Florida had an overall increase in seat belt usage rates from 59 percent in 1999 to 76.3 percent in 2004. This enabled the state to receive Section 157 incentive funds in FFY 2002 (\$1,255,600) and FFY 2003 (\$2,863,600). FDOT has used these funds for enhancing the Buckle Up Florida/Click It or Ticket Campaign to help insure continued seat belt usage increases.

The SAFETEA-LU is the current federal transportation act and includes a federal grant program² that encourages states to raise safety belt usage. In order to qualify for this program, a state must enact a primary safety belt law, or achieve 85 percent safety belt usage for 2 consecutive years. As of January 23, 2006 Florida's safety belt usage rate was 73.9 percent. This is a decline from 76.3 percent in 2004. According to the National Highway Traffic Safety Administration of the U.S. Department of Transportation,³ if Florida enacts a primary safety belt law it will be eligible to receive a one-time federal grant of \$35.5 million from the safety belt incentive program contained in SAFETEA-LU with no

² 23 U.S.C. 406.

³ Letter from Ms. Jacqueline Glassman, Acting Administrator, NHTSA, dated January 23, 2006, on file with House Transportation Committee.

requirement for a state match. The grant funds could be used for any highway safety related purpose including highway safety infrastructure improvements.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

HB 97 does not require any grant or exercise of rule-making authority to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

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1 A bill to be entitled

2 An act relating to safety belt law enforcement; creating
3 the Dori Slosberg Safety Belt Law; amending s. 316.614,
4 F.S.; deleting requirement for enforcement of the Florida
5 Safety Belt Law as a secondary action; providing an
6 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. This act may be cited as the "Dori Slosberg
11 Safety Belt Law."

12 Section 2. Subsection (8) of section 316.614, Florida
13 Statutes, is amended to read:

14 316.614 Safety belt usage.--

15 (8) Any person who violates the provisions of this section
16 commits a nonmoving violation, punishable as provided in chapter
17 318. ~~However, except for violations of s. 316.613 and paragraph~~
18 ~~(4)(a), enforcement of this section by state or local law~~
19 ~~enforcement agencies must be accomplished only as a secondary~~
20 ~~action when a driver of a motor vehicle has been detained for a~~
21 ~~suspected violation of another section of this chapter, chapter~~
22 ~~320, or chapter 322.~~

23 Section 3. This act shall take effect October 1, 2006.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 931

Pinellas Suncoast Transit Authority, Pinellas County

SPONSOR(S): Farkas

TIED BILLS:

IDEN./SIM. BILLS: SB 2236

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	8 Y, 0 N	Smith	Hamby
2) Transportation Committee		Pugh <u>BJP</u>	Miller <u>P.M.</u>
3)			
4)			
5)			

SUMMARY ANALYSIS

The Pinellas Suncoast Transit Authority (the Authority) provides public transit services in the Pinellas County area funded by ad valorem revenues. It has an 11-member board appointed by local government officials within Pinellas County.

HB 931 adds four members to the Authority. The new members include: one additional member appointed by the City Council of the City of St. Petersburg and who serves on the Council, and three additional members appointed by the Pinellas County Commission from among the commissioners. The bill provides that the member appointed by the City Council of the City of St. Petersburg will serve an initial three year term; additional members appointed by the Pinellas County Commission will serve an initial three year term for one member, an initial two year term for another member, and an initial one year term for the third member.

According to the Economic Impact Statement, no fiscal impacts are anticipated for either fiscal year 2006-07 or 2007-08.

HB 931 takes effect upon becoming law.

HB 931 takes effect upon becoming law.

C. SECTION DIRECTORY:

Section 1. Amends subsection (2) of s. 3 of s. 1 of ch. 2000-424, L.O.F., providing for four additional members to the Pinellas Suncoast Transit Authority; provides for the appointment of the additional members.

Section 2. Provides for the staggering initial terms for the additional members.

Section 3. Provides a severability clause.

Section 4. Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? December 30, 2005.

WHERE? *Pinellas News*, St. Petersburg, Pinellas County, Florida.

B. REFERENDUM(S) REQUIRED? Yes ☐ No ☒

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached ☒ No ☐

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached ☒ No ☐

III. COMMENTS

A. CONSTITUTIONAL ISSUES: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.

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A bill to be entitled

An act relating to the Pinellas Suncoast Transit Authority, Pinellas County; amending chapter 2000-424, Laws of Florida; providing for additional members of the authority's governing body; providing for appointment of additional members; providing for staggering of initial terms of additional members; providing severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 3 of section 2 of chapter 2000-424, Laws of Florida, is amended to read:

Section 3. Pinellas Suncoast Transit Authority; status and governing body.--

(2)(a) The governing body of the authority shall consist of 15 ~~11~~ members, serving and selected as provided in this paragraph.

1. One member shall be appointed by the City Council ~~Commission~~ of the City of Clearwater from its membership.

2. One member shall be appointed by the City Commission of the City of Dunedin from its membership.

3. One member shall be appointed by the City Commission of the City of Largo from its membership.

4. One member shall be appointed by the City Council of the City of Pinellas Park from its membership.

5. Two members ~~One member~~ shall be appointed by the City Council of the City of St. Petersburg from its membership.

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6. One member shall be appointed by the combined municipal governing bodies of the Cities of Oldsmar, Safety Harbor, and Tarpon Springs from their membership.

7. One member shall be appointed by the combined municipal governing bodies of the Cities of Belleair, Belleair Bluffs, Gulfport, Kenneth City, Seminole, and South Pasadena from their membership.

8. One member shall be appointed by the combined municipal governing bodies of the Cities of Belleair Beach, Belleair Shores, Indian Rocks Beach, Indian Shores, Madeira Beach, North Redington Beach, Redington Beach, Redington Shores, St. Pete ~~Petersburg~~ Beach, and Treasure Island from their membership.

9. Four members ~~One member~~ shall be appointed by the Pinellas County Commission from its membership.

10. One member shall be appointed by the Pinellas County Commission, and this member may not be an elected official.

11. One member shall be appointed by the City Council of the City of St. Petersburg, and this member may not be an elected official.

After the expiration of each term of each member of the governing body of the authority, that member's successor shall be chosen by the same appointing authority as the member and must possess the same qualifications. Each term of office shall be 3 years, and a member may not serve more than 3 consecutive terms as a member of the governing body of the authority.

(b) Each appointed member shall hold office until his or her successor has been appointed and qualified. A vacancy

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57 occurring during a term shall be filled only for the balance of
58 the unexpired term. A selection to fill a vacancy or select a
59 successor shall be made within 60 days after the occurrence of
60 the vacancy or before expiration of the term, whichever is
61 applicable. If any selection is not made as provided in this
62 subsection, the Board of County Commissioners of Pinellas County
63 shall appoint an eligible person to the authority with like
64 effect as if the selection were made by a municipality or group
65 of municipalities. Any member of the authority is eligible for
66 reappointment, except that the member may not serve more than 3
67 consecutive terms.

68 Section 2. The additional member to be appointed by the
69 City of St. Petersburg shall be appointed for the initial term
70 of 3 years. One of the additional members to be appointed by the
71 Pinellas County Commission shall serve an initial term of 3
72 years, another additional member to be appointed by the Pinellas
73 County Commission shall serve an initial term of 2 years, and
74 the third additional member to be appointed by the Pinellas
75 County Commission from its membership shall serve an initial
76 term of 1 year.

77 Section 3. If any provision of this act or the application
78 thereof to any person or circumstance is held invalid, the
79 invalidity shall not affect other provisions or applications of
80 this act which can be given effect without the invalid provision
81 or application, and to this end the provisions of this act are
82 declared severable.

83 Section 4. This act shall take effect upon becoming a law.

BILL #: HB 1041 **Noncriminal Traffic Infractions**
SPONSOR(S): Dean
TIED BILLS: **IDEN./SIM. BILLS:**

SUMMARY ANALYSIS

Current law requires a person that commits a traffic infraction resulting in a crash and causing the serious bodily injury of another to appear before a designated official for a hearing. If found to have committed the infraction, the offender must pay a \$500 fine and the person's driver license must be suspended for three months.

HB 1041 allows for judicial or hearing official discretion in cases where a traffic infraction results in a crash causing serious bodily injury. The bill provides that if the person is found to have committed the infraction at the hearing, the designated hearing official may impose a civil penalty of \$500 in addition to any other penalties, and may suspend the person's driver's license for 3 months.

The bill could reduce the amount of penalties imposed on persons committing a traffic infraction resulting in a crash causing serious bodily injury. This reduction could cause an indeterminate negative revenue impact on trauma centers.

The bill would take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government—HB 1041 provides judicial discretion for certain traffic infractions requiring a mandatory hearing.

B. EFFECT OF PROPOSED CHANGES:

Currently, s. 318.19, F.S., requires a mandatory hearing following a citation for certain civil traffic infractions. These infractions are:

- Any infraction resulting in a crash that causes the death of another;
- Any infraction resulting in a crash that causes "serious bodily injury" to another;
- Passing a school bus on the door side while the bus displays a stop signal; and
- Certain infractions concerning loads on vehicles.

Any person who commits one of these infractions may not dispose of the matter by submitting payment of the fine by mail or by making the driver improvement course election. Instead, the person committing the infraction must appear before the designated official at a scheduled hearing.

Under these provisions, a person committing an infraction resulting in "serious bodily injury" of another is required to appear before a designated official and if found to have committed the infraction must pay a \$500 fine and the person's driver license must be suspended for 3 months.

"Serious bodily injury" is defined in s. 316.1933, F.S., as an injury which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. The precise point at which bodily injury becomes serious is unclear as the definition involves factual determinations that can be open to interpretation. According to the Department of Highway Safety and Motor Vehicles (DHSMV), a law enforcement officer issuing a citation makes the determination (subject to judicial review) whether a bodily injury is serious and, therefore, whether a mandatory hearing is required.

Furthermore, DHSMV is authorized under s. 322.27, F.S., to suspend a driver's license in the event that a person violates any traffic law that results in a crash causing death or personal injury to another or property damage in excess of \$500. According to DHSMV, upon a review of its records, the department suspends the driver's license of any person meeting these criteria who are subject to a mandatory hearing. A suspension is lifted if at the hearing the designated official finds the accused not guilty of the offense or infraction.

HB 1041 allows for judicial or hearing official discretion in cases where a traffic infraction results in a crash causing serious bodily injury. The bill provides that if the person is found to have committed the infraction at the hearing the designated official may impose a civil penalty of \$500 in addition to any other penalties and may suspend the person's driver's license for 3 months.

C. SECTION DIRECTORY:

Section 1. Amends s. 318.14, F.S., to revise a penalty requirement for certain traffic infractions requiring a mandatory hearing.

Section 2. The bill takes effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section, below.

2. Expenditures:

See FISCAL COMMENTS section, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Money received from additional penalties imposed on persons required to appear before a designated official are remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state.

In providing discretion regarding the mandatory \$500 additional civil penalty, the bill could reduce the amount of penalties imposed on persons committing a traffic infraction resulting in a crash causing serious bodily injury. This penalty reduction could cause a negative revenue impact on trauma centers. The amount of this impact cannot be accurately estimated because the amount of the penalty imposed will be at the discretion of the judge or designated hearing official.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DHSMV has sufficient rule-making authority to carry out the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

HB 1041

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A bill to be entitled

An act relating to noncriminal traffic infractions;
amending s. 318.14, F.S.; revising a requirement that
persons required to appear before a designated official
for infractions that resulted in a crash that caused
serious bodily injury of another receive a specified fine
and a license suspension; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (5) of section 318.14, Florida
Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception;
procedures.--

(5) Any person electing to appear before the designated
official or who is required so to appear shall be deemed to have
waived his or her right to the civil penalty provisions of s.
318.18. The official, after a hearing, shall make a
determination as to whether an infraction has been committed. If
the commission of an infraction has been proven, the official
may impose a civil penalty not to exceed \$500, except that in
cases involving unlawful speed in a school zone or involving
unlawful speed in a construction zone, the civil penalty may not
exceed \$1,000; or require attendance at a driver improvement
school, or both. If the person is required to appear before the
designated official pursuant to s. 318.19(1) and is found to
have committed the infraction, the designated official shall
impose a civil penalty of \$1,000 in addition to any other

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29 penalties and the person's driver's license shall be suspended
30 for 6 months. If the person is required to appear before the
31 designated official pursuant to s. 318.19(2) and is found to
32 have committed the infraction, the designated official may ~~shall~~
33 impose a civil penalty of \$500 in addition to any other
34 penalties and the person's driver's license may ~~shall~~ be
35 suspended for 3 months. If the official determines that no
36 infraction has been committed, no costs or penalties shall be
37 imposed and any costs or penalties that have been paid shall be
38 returned. Moneys received from the mandatory civil penalties
39 imposed pursuant to this subsection upon persons required to
40 appear before a designated official pursuant to s. 318.19(1) or
41 (2) shall be remitted to the Department of Revenue and deposited
42 into the Department of Health Administrative Trust Fund to
43 provide financial support to certified trauma centers to assure
44 the availability and accessibility of trauma services throughout
45 the state. Funds deposited into the Administrative Trust Fund
46 under this section shall be allocated as follows:

47 (a) Fifty percent shall be allocated equally among all
48 Level I, Level II, and pediatric trauma centers in recognition
49 of readiness costs for maintaining trauma services.

50 (b) Fifty percent shall be allocated among Level I, Level
51 II, and pediatric trauma centers based on each center's relative
52 volume of trauma cases as reported in the Department of Health
53 Trauma Registry.

54 Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1055

Specialty License Plates

SPONSOR(S): Gibson

TIED BILLS:

IDEN./SIM. BILLS: SB 1304

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee		Thompson <i>J.T.</i>	Miller <i>P.M.</i>
2) Transportation & Economic Development Appropriations Committee			
3) State Infrastructure Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

Under current law, the annual use fees for the Live the Dream License Plate are distributed to The Dream Foundation, Inc., who retains a portion of the fees for administrative, startup and approval process costs. Thereafter 25 percent is to be used for continuing promotion and marketing of the license plate and concept. The remaining funds are distributed to the following organizations:

- Twenty-five percent to be used as grants for programs that provide research, care, and treatment for sickle cell disease,
- Twenty-five percent to the Florida chapter of the March of Dimes for programs and services that improve the health of babies through the prevention of birth defects and infant mortality,
- Ten percent to the Florida Association of Healthy Start Coalitions for help in decreasing racial disparity in infant mortality, to increase healthy birth outcomes, and for use by local Healthy Start Coalitions,
- Ten percent to the Community Partnership for Homeless, Inc., for programs that provide relief from poverty, hunger, and homelessness.
- Five percent to be used by the foundation for administrative costs directly associated with operations related to the management and distribution of proceeds.

This bill redirects the 25 percent of allocated funds for general grants for research, care, and treatment of sickle cell disease to the Sickle Cell Disease Association of Florida, Inc. The bill will not have a fiscal impact on the Department of Highway Safety and Motor Vehicles. HB 1055 takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Specialty license plates are listed in s. 320.08058, F.S. Specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. The legislature has enacted 106 specialty license plates to date, though only 100 are currently available for purchase. Section 320.08056, F.S., specifies annual use fees ranging from \$15 to \$25 for the various specialty plates, which are paid in addition to required license taxes and service charges.

Funds derived from these annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in s. 320.08058, F.S. This section also provides for the uses of funds derived for each plate from its annual use fee. There is wide variation on the uses of these fees regarding administrative costs and marketing or promotion expenses. For example, the "Support Soccer" license plate allows 25 percent of funds to be used for promotion and marketing and 5 percent to be used for administrative costs; while the "United We Stand" license plate requires that 100 percent of funds be used for airport security grants.

The Dream Foundation, Inc., is dedicated to assisting the indigent and less fortunate through direct and indirect programs and grants. The Foundation's principal mission is to address the increasing problem with respect to access to affordable medical and dental treatment for the underprivileged.

Section 320.008058, F.S., provides the first \$60,000 of revenues generated from the collection of annual fees for the "Live the Dream" specialty plate are to be distributed to The Dream Foundation, Inc., to cover start up and administration costs. All funds distributed thereafter are to be allocated as follows:

- 25 percent to the Live the Dream Foundation, Inc. for marketing and promotional costs associated with the plate;
- 25 percent distributed as grants for research, treatment, and care programs for sickle cell disease;
- 25 percent to the Florida chapter of the March of Dimes for child and infant health programs;
- 10 percent to the Florida Association of Healthy Start Coalition to decrease racial disparity, infant mortality rates, and increase healthy births;
- 10 percent to the Community Partnership for the Homeless to provide relief for poverty, homelessness, and hunger;
- 5 percent to the Live the Dream Foundation, Inc., for administrative costs associated with production, management, and distribution of the proceeds.

The Sickle Cell Disease Association of Florida, Inc. (SCDAF), is a not for profit 501(c) (3) charitable organization. SCDAF serves 16 community based chapters throughout the State of Florida and is one of 41 state based chapters serving the Sickle Cell Disease Association of America. Programs started and operated by SCDAF include:

- Sickle Cell Education and Counseling Program;
- Statewide Sickle Cell Education and Counseling Program;
- Resource Center;
- Educational Assistance Program
- Statewide Community Based Outreach Program,
- Screening and Testing Program, and

- Summer Recreation and Enhancement Camp

The Live the Dream license plate¹ was created by the legislature in 2004 by chapter 2004-337, Laws of Florida. This license plate ranks 65th in popularity for the number of license plates currently issued. The Live the Dream license plate has raised \$60,925.00 from July 1, 2004 to present.

HB 1055 redirects the 25 percent of allocated funds for general grants for research, care, and treatment of sickle cell disease to the Sickle Cell Disease Association of Florida, Inc. This bill also provides an effective date of July 1, 2006.

C. SECTION DIRECTORY:

Section 1. Amends s. 320.08058, F.S., providing for redirection of allocated funds from the sale of the Live the Dream license plate.

Section 2. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a significant direct economic impact on the private sector. However, other entities that could potentially receive grant funding from the 25 percent allocation would be affected negatively because they would no longer be able to apply for the grants awarded to programs that provide research, care, and treatment for sickle cell disease. HB 1055 redirects the 25 percent of allocated funds for general grants for research, care, and treatment of sickle cell disease to the Sickle Cell Disease Association of Florida, Inc

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

HB 1055

2006

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; providing that certain proceeds from the sale of Live the Dream specialty plates shall be distributed to the Sickie Cell Disease Association of Florida, Inc.; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (49) of section 320.08058, Florida Statutes, as amended by chapter 2005-357, Laws of Florida, is amended to read:

320.08058 Specialty license plates.--

(49) LIVE THE DREAM LICENSE PLATES.--

(a) The department shall develop a Live the Dream license plate as provided in this section. Live the Dream license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Live the Dream" must appear at the bottom of the plate.

(b) The proceeds of the annual use fee shall be distributed to the Dream Foundation, Inc. The Dream Foundation, Inc., shall retain the first \$60,000 in proceeds from the annual use fees as reimbursement for administrative costs, startup costs, and costs incurred in the approval process. Thereafter, up to 25 percent shall be used for continuing promotion and marketing of the license plate and concept. The remaining funds shall be used in the following manner:

1. Twenty-five percent shall be distributed to the Sickle

HB 1055

2006

29 Cell Disease Association of Florida, Inc., ~~as grants~~ for
30 programs that provide research, care, and treatment for sickle
31 cell disease.

32 2. Twenty-five percent shall be distributed to the Florida
33 chapter of the March of Dimes for programs and services that
34 improve the health of babies through the prevention of birth
35 defects and infant mortality.

36 3. Ten percent shall be distributed to the Florida
37 Association of Healthy Start Coalitions to decrease racial
38 disparity in infant mortality and to increase healthy birth
39 outcomes. Funding will be used by local Healthy Start Coalitions
40 to provide services and increase screening rates for high-risk
41 pregnant women, children under 4 years of age, and women of
42 childbearing age.

43 4. Ten percent shall be distributed to the Community
44 Partnership for Homeless, Inc., for programs that provide relief
45 from poverty, hunger, and homelessness.

46 5. Five percent of the proceeds shall be used by the
47 foundation for administrative costs directly associated with
48 operations as they relate to the management and distribution of
49 the proceeds.

50 Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1107

Road Designations

SPONSOR(S): Jennings

TIED BILLS:

IDEN./SIM. BILLS: SB 1664

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee		Rousseau <i>T.D.R.</i>	Miller <i>P.M.</i>
2) Transportation & Economic Development Appropriations Committee			
3) State Infrastructure Council			
4)			
5)			

SUMMARY ANALYSIS

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

HB 1107 designates that portion of U.S. Highway 301 within Marion and Alachua Counties as "Rosa Parks Memorial Highway."

The Florida Department of Transportation (FDOT) is directed to erect suitable markers to denote the honorary designations. The markers will cost an estimated \$800. This does not include maintenance or replacement costs.

HB 1107 does not create any constitutional or other legal issues. It takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

HB 1107 does not implicate any House Principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The statute requires FDOT to place a marker at each terminus or intersection of an identified road or bridge, and to erect other markers it deems appropriate for the transportation facility. The statute also provides that a city or county must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

Based on FDOT records, some 1,079 honorary road and bridge designations have been approved since 1922, most of them by the Legislature. Some public roads and bridges have multiple or overlapping designations.

Effect of HB 1107

HB 1107 designates that portion of U.S. Highway 301 within Marion and Alachua Counties as "Rosa Parks Memorial Highway."

Rosa Parks, often called the "Mother of the Modern Day Civil Rights Movement," sparked the Montgomery Bus Boycott in 1955 by refusing to give her seat to a white male passenger on a segregated bus. She led an active life of community service and began the Rosa and Raymond Parks Institute for Self-Development. Mrs. Parks passed away on October 24, 2005.

The Florida Department of Transportation (FDOT) is directed to erect suitable markers to denote the honorary designations.

C. SECTION DIRECTORY:

Section 1: Designates that portion of U.S. Highway 301 within Marion and Alachua Counties as "Rosa Parks Memorial Highway."

Section 2: Specifies an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

FDOT estimates that the cost to erect suitable road markers is approximately \$800 per designation, for a marker at each end of the designated road area. The total signage cost of HB 1107 is \$800. The expenditure is from the State Transportation Trust Fund. FDOT also is responsible for any future maintenance and replacement cost, which is indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

HB 1107

2006

A bill to be entitled

An act relating to road designations; designating Rosa Parks Memorial Highway in Alachua and Marion Counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Rosa Parks Memorial Highway designated;
Department of Transportation to erect suitable markers.--

(1) That portion of U.S. Highway 301 within Marion and Alachua Counties is designated as "Rosa Parks Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Rosa Parks Memorial Highway as described in subsection (1).

Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1173

Driver History Records

SPONSOR(S): Ross

TIED BILLS:

IDEN./SIM. BILLS: SB 2242

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>		Thompson <u>J.T.</u>	Miller <u>P.M.</u>
2) <u>Transportation & Economic Development Appropriations Committee</u>			
3) <u>State Infrastructure Council</u>			
4) _____			
5) _____			

SUMMARY ANALYSIS

HB 1173 provides internet access to a minor's driver history records for a parent, guardian or other responsible adult. The bill directs the DHSMV to implement a system that allows the parent, guardian, or other responsible adult who signed a minor's application for a driver's license, to have access to the minor's driver history record through a secure website. The bill also provides for the termination of this access on the minor's 18th birthday. This internet access would be in addition to current public records access of driver's history records.

Current law requires the Department of Highway Safety and Motor Vehicles (DHSMV) to maintain an individual driver history record of each licensee. The information must be readily available to DHSMV for license renewal and at other suitable times. Driver's history records are regarded as public records and the DHSMV is authorized to charge certain fees for providing driver history records and for assisting in searching driver history records at DHSMV's headquarters in Tallahassee.

This bill may have a minimal, but, indeterminate negative revenue impact on the Highway Safety Operating Trust Fund. Implementation of this bill could also require estimated contracted programming of 800 hours at \$185 per hour for a total of \$148,000. (See Fiscal Comments section of this analysis.)

The bill would take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promotes Personal Responsibility & Empowers Families

HB 1173 provides internet access to a minor's driver history records for a parent, guardian or other responsible adult who signed the minor's application for a driver's license.

B. EFFECT OF PROPOSED CHANGES:

Currently, s. 322.09, F.S., provides that the application of any person under the age of 18 for a driver's license must be signed and verified before a person authorized to administer oaths by the father, mother, or guardian, or, if there is no parent or guardian, by another responsible adult who is willing to assume the financial obligation imposed under chapter 322, F.S. on the person signing the application of a minor. That statutory obligation is that any negligence or willful misconduct of a minor when driving a motor vehicle on a highway shall be imputed to the person who signed the license application. The signing adult is jointly and severally liable with the minor for any damages caused by the minor's negligence or willful misconduct.

Driver history records are public records and are provided by the DHSMV or a contracted agent for the DHSMV. A person's driving history of convictions, crashes, violations that resulted in a person attending school in lieu of points being assessed and any sanctions are all public record and not covered under the Driver Privacy Protection Act (DPPA).

Section 322.20, F.S., provides that the DHSMV must maintain convenient records or notations, in order that the individual driver history record of each licensee is readily available for the consideration of the DHSMV upon application for renewal of a license and at other suitable times. With respect to crashes involving a licensee, the driver history record must not include any notation or record of a motor vehicle crash unless the licensee received a traffic citation as a direct result of the crash.

This section also authorizes the DHSMV's Division of Driver Licenses, upon application of any person and payment of the proper fees, to search for records of the DHSMV, to make reports, and to make photographic copies of the departmental records and attestations. Section 322.20, F.S., authorizes DHSMV to charge certain fees for providing any one individual's driver history records to the public. For example DHSMV charges:

- \$3.10 for providing a transcript of any one individual's driver history record for the past 7 years or for searching for such record when no record is found to be on file;
- \$1.00 per page for providing a certified photographic copy of a document; and
- \$2.00 for assisting persons in searching any one individual's driver record at a terminal located at the department's general headquarters in Tallahassee.

DHSMV must furnish this information without charge to any local, state, or federal law enforcement agency or court upon proof satisfactory to the DHSMV as to the purpose of the investigation. This information is made available by the DHSMV electronically to contracted private vendors that provide it via the internet to the general public. A driver license number is required to obtain the driver record via the internet and personal information is blocked when provided to the requestor. Most vendors only provide the driver record to the holder of the driver record or a recipient authorized by the DPPA. The DHSMV provides this information via mail or walk-ins at the DHSMV headquarters. The DHSMV also contracts with some Clerk of Courts to provide the driver history record to the public.

Currently, the DHSMV provides driver record status checks on all drivers via the department's website. These driver record status checks exhibit the validity of the driver's license and do not provide a record of citations and traffic infractions. A person may obtain a driver record status on any Florida driver record by providing a valid driver license number.

HB 1173 creates the "Jeffrey Klapatch Act". In addition to current driver's history record public access, the bill provides internet access to a minor's driver history records for a parent, guardian or other responsible adult. The bill directs the DHSMV to implement a system that allows the parent, guardian, or other responsible adult who signed a minor's application for a driver's license, to have access to the minor's driver history record through a secure website. The bill also provides for the termination of this access to the minor's driver history records on the minor's 18th birthday.

C. SECTION DIRECTORY:

Section 1. Gives the act the popular name the "Jeffrey Klapatch Act."

Section 2. Amends s. 322.20, F.S., to provide for the DHSMV to implement a system that provides the adult who signed a minor's driver license application with internet access to the driver history record of the minor; providing for the termination of internet access to the minor's driver history record when the minor attains 18 years of age.

Section 3. Provides that the act shall take effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS Section below.

2. Expenditures:

See FISCAL COMMENTS Section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill does not specify that the DHSMV will allow access to the minor's driving history record at no cost to the person who signs giving parental consent for the minor's application for a driver's license. Since the bill does not specifically provide an exemption from the statutory fee for a driving history record, the DHSMV or its contracted service provider would charge a fee.

This bill may have a minimal, but, indeterminate negative revenue impact on the Highway Safety Operating Trust Fund if the intent of the bill is to waive the fee for driver records provided over the

Internet to parents or guardians. If the intent is for the DHSMV to provide the driving history information at no cost to the person that signed parental consent for the minor's driver's license, it will require programming modifications to the Driver License Software Systems. According to the DHSMV this would require contracted programming of 800 hours at \$185 per hour for a total of \$148,000.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties

2. Other:

B. RULE-MAKING AUTHORITY:

DHSMV has sufficient rule-making authority to carry out the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

DHSMV has pointed out that this bill does not include custodial parents in the same manner as the signatory parent in those circumstances where the custodial parent and signatory parent are different nor does it address step-parents. As drafted, the bill only allows internet access to the adult signing the minor's license application.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

HB 1173

2006

1 A bill to be entitled

2 An act relating to driver history records; creating the
3 "Jeffrey Klapatch Act"; amending s. 322.20, F.S.;
4 providing for the Division of Driver Licenses of the
5 Department of Highway Safety and Motor Vehicles to
6 implement a system that provides the adult who signed a
7 minor's application for a driver's license with Internet
8 access to the driver history record of the minor;
9 providing for termination of such access; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. This act may be cited as the "Jeffrey Klapatch
15 Act."

16 Section 2. Subsections (13), (14), and (15) of section
17 322.20, Florida Statutes, are renumbered as subsections (14),
18 (15), and (16), respectively, and a new subsection (13) is added
19 to that section to read:

20 322.20 Records of the department; fees; destruction of
21 records.--

22 (13) The Division of Driver Licenses shall implement a
23 system that allows the parent, guardian, or other responsible
24 adult who signed a minor's application for a driver's license to
25 have Internet access through a secure website to inspect the
26 minor's driver history record. Internet access to driver history
27 records granted to a parent, guardian, or other responsible

HB 1173

2006

28 adult under this subsection shall terminate when the minor
29 attains 18 years of age.

30 Section 3. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 1173

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Transportation

Representative(s) Ross offered the following:

Amendment (with directory and title amendments)

Remove line(s) 22-29 and insert:

(13) The Division of Driver Licenses shall implement a system that allows either parent of a minor, or a guardian, or other responsible adult who signed a minor's application for a driver's license to have Internet access through a secure website to inspect the minor's driver history record. Internet access to driver history records granted to a minor's parents, guardian, or other responsible adult shall be furnished by the department at no fee and shall terminate when the minor attains 18 years of age.

===== T I T L E A M E N D M E N T =====

Remove line(s) 6-8 and insert:

implement a system that provides the parents or guardian of a minor, or the adult who signed a minor's application for a driver's license with Internet access to the driver history

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

21 record of the minor; providing that no fee will be charged for
22 such access;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. HB 1173

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

Council/Committee hearing bill: Transportation Committee
Representative(s) Ross offered the following:

Amendment

Remove line(s) 30 and insert:

Section 3. This act shall take effect January 1, 2007.

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1315

Department of Transportation

SPONSOR(S): Russell

TIED BILLS:

IDEN./SIM. BILLS: SB 1350 (s)

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee		Pugh BJP	Miller P.M.
2) Fiscal Council			
3) State Infrastructure Council			
4)			
5)			

SUMMARY ANALYSIS

Section 338.227, F.S., authorizes the Florida Department of Transportation (FDOT) to issue bonds to pay all or a part of Florida Turnpike Enterprise projects, which are part of the agency's Five-Year Work Program approved each year by the Legislature. Section 338.2275, F.S., limits to \$4.5 billion the total amount of turnpike bonds that may be issued.

The transportation work plans are required to be developed within the estimated available resources. However, the Turnpike's long-range project plan through FY 2010-2011 indicates that the estimated total costs will exceed the statutory bond cap by nearly \$1 billion.

HB 1315 increases the Turnpike Enterprise's revenue bond cap from \$4.5 billion in bonds issued to \$6 billion in bonds outstanding. This change not only gives the Turnpike Enterprise more immediate bond capacity, but creates a "line of credit" to issue more bonds as the Turnpike pays down its balance.

The bill has no immediate fiscal impact on state government, nor does it raise any apparent constitutional or other legal issues.

HB 1315 takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

HB 1315 does not implicate any House principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

A part of FDOT, the Florida Turnpike Enterprise is a 450-mile system of limited-access toll highways. The turnpike's 2006-2010 Work Program is funded largely through revenue bonds, backed by toll revenues. According to FDOT staff, every \$1 in recurring toll revenues from the Turnpike can be leveraged to generate \$14 to pay for project costs.

Section 338.227, F.S., authorizes FDOT to issue bonds to pay all or a part of the legislatively approved turnpike projects, and section 338.2275, F.S., limits the total amount of bonds that may be issued to \$4.5 billion. According to FDOT, nearly \$2.336 billion in Turnpike bonds have been issued over the years, leaving \$2.164 billion within the statutory cap to be authorized. However, the Turnpike's long-range project plan through FY 2010-2011 indicates that the estimated costs of the projects exceed the statutory bond cap by about \$950 million.

Section 339.135(3), F.S., requires FDOT to base its Five-Year Work Program on a "complete, balanced financial plan." To comply with the law, the Turnpike will have to either eliminate or scale back proposed projects, adopt a "pay-as-you go" approach to financing future projects, or seek a change in law to raise the bond cap.

The Legislature last raised the Turnpike bond cap in 2003, from \$3 billion to \$4.5 billion.

Current Turnpike projects include completion of the Western Beltway, Part C; adding 150 lane miles through widening of the Turnpike System at a cost of nearly \$1 billion; adding four new interchanges and improving three other interchanges at a cost of \$200 million to improve access to the Turnpike System; and converting the Sawgrass Expressway to a fully electronic, open-road tolling facility and adding SunPass Express lanes at other locations.

Projects proposed for the Turnpike's 2007-2011 Work Program – if the bond cap is increased – include nearly \$370 million for additional lanes on various sections of the Homestead Extension-Florida Turnpike (HEFT) and \$467 million for additional lanes along the Turnpike Mainline and the Veterans Expressway.

Potential future projects under review by Turnpike staff include another phase of the Suncoast Parkway; extensions of the Polk Parkway, State Road 417 in Volusia County, and the Sawgrass Expressway in Broward County to link with I-95; express lanes on the HEFT and the interstates; and the Port of Miami tunnel.

Effect of Program Changes

FDOT proposes raising the cap on Turnpike bonds from \$4.5 billion to \$6 billion, and changing the limitation to a maximum amount outstanding, in effect providing for a "line of credit" that the Turnpike can utilize for long-term planning.

FDOT staff has said this cap increase will allow the Turnpike to complete currently planned projects and to continue an aggressive approach to building tolled facilities to handle future transportation needs.

C. SECTION DIRECTORY:

Section 1: Amends s. 338.2275, F.S., to change the Florida Turnpike's bond cap to \$6 billion of bonds outstanding. Deletes obsolete language.

Section 2: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See "D. FISCAL COMMENTS" below.

2. Expenditures:

See "D. FISCAL COMMENTS" below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

HB 1315 raises the Florida Turnpike Enterprise's bond cap from an absolute \$4.5 billion in bonds to a limit of \$6 billion in bonds outstanding. That means as the Turnpike retires bond issues, it can issue more, as long as it doesn't exceed \$6 billion owed at any time.

To the extent that additional Turnpike bonds are issued, they will have to be repaid. The Turnpike Enterprise pledges toll revenues as debt service for the bonds it issues.

Any increase in the Turnpike bond cap will not impact the state of Florida's debt affordability index, because Turnpike bonds are revenue bonds, backed by toll collections, and do not pledge the full faith and credit of the state

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

HB 1315 does not: require counties or municipalities to spend funds or to take an action requiring the expenditure of funds; reduce the percentage of a state tax shared with counties or municipalities; or reduce the authority that municipalities have to raise revenues.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

FDOT and the Turnpike Enterprise have sufficient rulemaking authority to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

HB 1315

2006

A bill to be entitled

An act relating to the Department of Transportation;
amending s. 338.2275, F.S.; deleting obsolete provisions;
revising the maximum amount of bonds that are available
for turnpike projects; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 338.2275, Florida
Statutes, is amended to read:

338.2275 Approved turnpike projects.--

(1) Legislative approval of the department's tentative
work program that contains the turnpike project constitutes
approval to issue bonds as required by s. 11(f), Art. VII of the
State Constitution. No more than \$6 billion of bonds may be
outstanding to fund approved turnpike projects. ~~Turnpike~~
~~projects approved to be included in future tentative work~~
~~programs include, but are not limited to, projects contained in~~
~~the 2003-2004 tentative work program. A maximum of \$4.5 billion~~
~~of bonds may be issued to fund approved turnpike projects.~~

Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1395
SPONSOR(S): Sorensen
TIED BILLS:

Motor Vehicles

IDEN./SIM. BILLS: SB 224

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>	<u></u>	<u>Thompson J.T.</u>	<u>Miller P.M.</u>
2) <u>Transportation & Economic Development Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
3) <u>State Infrastructure Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 1395 the "Road Rage Reduction Act," expresses the Legislature's intent "to decrease the incidence of drivers interfering with the movement of traffic, to reduce road rage and aggressive driving, to minimize crashes, and to promote the orderly, free flow of traffic on the roads and highways of the state."

The bill requires a person operating a motor vehicle on a two-lane roadway designed for two-way movement of traffic to occupy the right-hand lane at all times, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. It also prohibits a person from operating a motor vehicle on a four-lane highway, an interstate highway, a highway with fully controlled access, or the Florida Intrastate Highway System, in the left-hand lane except when overtaking or passing another vehicle. The bill provides a number of exceptions to this general rule.

The bill requires any vehicle driven in the left-most lane on a limited access highway having two or more lanes for each direction of travel, to yield the right-of-way to any vehicle traveling at a higher speed by moving to the nearest lane to the right as soon as it is practicable and safe to do so.

A violation is a non-criminal traffic infraction punishable as a moving violation. A person violating this provision would be subject to a \$60 fine plus applicable fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from \$112.50 to \$133.50, and an assessment of 4 points against the driver's license. The Department of Highway Safety and Motor Vehicles is required to conduct a public awareness campaign to inform the motoring public about changes in the law, and to utilize, in cooperation with the Florida Highway Patrol, public service announcements.

HB 1395 prohibits behavior that is currently lawful. It is unknown how many traffic citations will be issued pursuant to the bill's provisions, therefore the resulting increase in revenue to the state and local governments is indeterminate.

Provides an effective date of October 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill extends government regulation over the behavior of motorists by prohibiting currently lawful operation of motor vehicles in the left-hand lane of multi-lane roadways.

Safeguard individual liberty—The bill restricts the freedom of an individual to operate a motor vehicle in the left-hand lane of a multi-lane roadway under certain circumstances in which it is currently lawful to do so.

B. EFFECT OF PROPOSED CHANGES:

Under current law, a motor vehicle proceeding upon any roadway at less than the normal speed of traffic under prevailing conditions must be driven in the right-hand lane, or as near as practicable to the right-hand curb or edge of the roadway. However, the requirement does not apply when the motor vehicle is overtaking or passing another vehicle proceeding in the same direction, or when preparing for a left turn.

On a two-way roadway having four or more lanes, no vehicle may be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except to overtake or pass, or to prepare for a left turn.

Nothing in current law prohibits a person from operating a motor vehicle in the leftmost lane of multiple lanes traveling in the same direction, where the leftmost lane is not reserved for vehicles carrying multiple passengers.

HB 1395 requires a person operating a motor vehicle on a two-lane roadway designed for two-way movement of traffic to occupy the right-hand lane at all times, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

The bill requires any vehicle driven in the left-most lane on a limited access highway having two or more lanes for each direction of travel, to yield the right-of-way to any vehicle traveling at a higher speed by moving to the nearest lane to the right as soon as it is practicable and safe to do so.

In addition, the bill prohibits a person from operating a motor vehicle on a four-lane highway, an interstate highway, a highway with fully controlled access, or the Florida Intrastate Highway System, in the left-hand lane except when overtaking or passing another vehicle. The bill provides a number of exceptions to this general rule. The left-hand lane restriction will not apply:

- When another vehicle is not directly behind the vehicle in the left-hand lane;
- When traffic conditions and congestion make it impractical to drive in the right hand lane;
- When inclement weather conditions make it necessary to drive in the left-hand lane;
- When obstructions or hazards exist in the right-hand lane;
- When, because of highway design, a vehicle must be driven in the left-hand lane when preparing to exit;
- On toll highways when necessary to use Sun-Pass and on toll and other highways when driving in the left-hand lane is required to comply with an official traffic control device; or
- To law enforcement vehicles, ambulances, and other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations.

A violation is a non-criminal traffic infraction punishable as a moving violation. A person violating this provision would be subject to a \$60 fine plus applicable fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from \$112.50 to \$133.50, and an assessment of 4 points against the driver's license. Moving violations typically result in assessment of 3 points, unless the infraction or offense is among those viewed as more serious. For example, reckless driving, passing a stopped school bus, and speeding in excess of 15 mph over the posted limit all require assessment of 4 points. Leaving the scene of a crash and speeding resulting in a crash require assessment of 6 points. All other moving violations require assessment of 3 points.

The bill provides language expressing the Legislature's intent "to decrease the incidence of drivers interfering with the movement of traffic, to reduce road rage and aggressive driving, to minimize crashes, and to promote the orderly, free flow of traffic on the roads and highways of the state." In addition, the Department of Highway Safety and Motor Vehicles is required to conduct a public awareness campaign to inform the motoring public about changes in the law, and to utilize, in cooperation with the Florida Highway Patrol, public service announcements.

C. SECTION DIRECTORY:

Section 1. Provides a popular name.

Section 2. Provides a statement of Legislative intent.

Section 3. Amends s. 316.081, F.S., prohibiting motor vehicle operation in the left-hand lane in certain circumstances, providing exceptions, and providing penalties for violation.

Section 4. Amends s. 322.27, F.S., providing for assessment of points for violating the bill's provisions.

Section 5. Provides for a public awareness campaign and public service announcements.

Section 6. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section, below.

2. Expenditures:

See FISCAL COMMENTS section, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS section, below.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A person violating this provision would be subject to a \$60 fine plus applicable fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from \$112.50 to \$133.50, and an assessment of 4 points against the driver's license.

D. FISCAL COMMENTS:

HB 1395 prohibits behavior that is currently lawful. It is unknown how many traffic citations will be issued pursuant to the bill's provisions, therefore the resulting increase in revenue to the state and local governments is indeterminate.

The bill directs the Department of Highway Safety and Motor Vehicles to conduct a public awareness campaign (including public service announcements) regarding the changes in the law. Because the bill does not provide additional funding to the agency for the campaign, the scope of the public awareness campaign will be limited by what funds are available for such purposes within DHSMV's existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No exercise of rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides a number of exceptions to its general rule that a motor vehicle may not be operated in the left-hand lane on four-lane highways, interstate highways, controlled access highways, or the Florida Intrastate Highway System. Among the exceptions is when no other vehicle is directly behind the vehicle in the left-hand lane. The determination of how far a vehicle must be behind another for this exception to apply may be subject to differing interpretations. Likewise, the bill provides an exception to the general rule in cases when traffic conditions and congestion make it impractical to drive in the right-hand lane. A determination of when traffic conditions or congestion make it impractical to drive in the right-hand lane may be subject to differing interpretations.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

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A bill to be entitled

An act relating to motor vehicles; providing a short title; providing legislative intent; amending s. 316.081, F.S.; requiring operators of motor vehicles to drive in the right-hand lane on certain highways; providing exceptions; providing penalties for violations; amending s. 322.27, F.S.; providing for the assessment of points for violating specified provisions that require operators of motor vehicles to drive on the right side of the road; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing a grace period when warnings and educational literature may be issued by a law enforcement officer; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Road Rage Reduction Act."

Section 2. It is the intent of the Legislature to reduce the incidence of drivers interfering with the movement of traffic, to reduce road rage and aggressive driving, to minimize crashes, and to promote the orderly, free flow of traffic on the roads and highways of the state.

Section 3. Effective January 1, 2007, section 316.081, Florida Statutes, is amended to read:

316.081 Driving on right side of roadway; exceptions.--

(1) Upon all roadways of sufficient width, a vehicle shall

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29 be driven upon the right half of the roadway, except as follows:

30 (a) When overtaking and passing another vehicle proceeding
31 in the same direction under the rules governing such movement;

32 (b) When an obstruction exists making it necessary to
33 drive to the left of the center of the highway; provided any
34 person so doing shall yield the right-of-way to all vehicles
35 traveling in the proper direction upon the unobstructed portion
36 of the highway within such distance as to constitute an
37 immediate hazard;

38 (c) Upon a roadway divided into three marked lanes for
39 traffic under the rules applicable thereon. However, upon any
40 limited access roadway having two or more lanes for each
41 direction of travel, any vehicle driven in the left-most lane
42 shall yield right-of-way to any vehicle traveling at a higher
43 speed by moving to the nearest lane to the right at the first
44 practicable and safe opportunity; or

45 (d) Upon a roadway designated and signposted for one-way
46 traffic.

47 (2) Upon a two-lane roadway providing for two-way movement
48 of traffic, a vehicle all roadways, any vehicle proceeding at
49 less than the normal speed of traffic at the time and place and
50 under the conditions then existing shall be driven in the right-
51 hand lane then available for traffic or as close as practicable
52 to the right-hand curb or edge of the roadway except when
53 overtaking and passing another vehicle proceeding in the same
54 direction or when preparing for a left turn at an intersection
55 or into a private road or driveway.

56 (3) Upon any roadway having four or more lanes for moving

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57 traffic and providing for two-way movement of traffic, no
58 vehicle shall be driven to the left of the centerline of the
59 roadway, except when authorized by official traffic control
60 devices designating certain lanes to the left side of the center
61 of the roadway for use by traffic not otherwise permitted to use
62 such lanes, or except as permitted under paragraph (1)(b).
63 However, this subsection shall not be construed as prohibiting
64 the crossing of the centerline in making a left turn into or
65 from an alley, private road, or driveway.

66 (a) A vehicle may not be driven in the left-hand lane of a
67 four-lane highway, an interstate highway, a highway with fully
68 controlled access, or a highway that is part of the Florida
69 Intrastate Highway System except when overtaking and passing
70 another vehicle.

71 (b) Paragraph (a) does not apply:

72 1. When another vehicle is not directly behind the vehicle
73 in the left-hand lane;

74 2. When traffic conditions and congestion make it
75 impractical to drive in the right-hand lane;

76 3. When inclement weather conditions make it necessary to
77 drive in the left-hand lane;

78 4. When obstructions or hazards exist in the right-hand
79 lane;

80 5. When, because of highway design, a vehicle must be
81 driven in the left-hand lane when preparing to exit;

82 6. On toll highways when necessary to use Sun-Pass and on
83 toll and other highways when driving in the left-hand lane is
84 required to comply with an official traffic control device; or

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85 7. To law enforcement vehicles, ambulances, and other
86 emergency vehicles engaged in official duties and vehicles
87 engaged in highway maintenance and construction operations.

88 (4) A violation of this section is a noncriminal traffic
89 infraction, punishable as a moving violation as provided in
90 chapter 318.

91 Section 4. Paragraph (d) of subsection (3) of section
92 322.27, Florida Statutes, is amended to read:

93 322.27 Authority of department to suspend or revoke
94 license.--

95 (3) There is established a point system for evaluation of
96 convictions of violations of motor vehicle laws or ordinances,
97 and violations of applicable provisions of s. 403.413(6)(b) when
98 such violations involve the use of motor vehicles, for the
99 determination of the continuing qualification of any person to
100 operate a motor vehicle. The department is authorized to suspend
101 the license of any person upon showing of its records or other
102 good and sufficient evidence that the licensee has been
103 convicted of violation of motor vehicle laws or ordinances, or
104 applicable provisions of s. 403.413(6)(b), amounting to 12 or
105 more points as determined by the point system. The suspension
106 shall be for a period of not more than 1 year.

107 (d) The point system shall have as its basic element a
108 graduated scale of points assigning relative values to
109 convictions of the following violations:

110 1. Reckless driving, willful and wanton--4 points.

111 2. Leaving the scene of a crash resulting in property
112 damage of more than \$50--6 points.

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3. Unlawful speed resulting in a crash--6 points.
 4. Passing a stopped school bus--4 points.
 5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed--3 points.
 - b. In excess of 15 miles per hour of lawful or posted speed--4 points.
 6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.
 7. All other moving violations (including parking on a highway outside the limits of a municipality)--3 points.
- However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).
8. Any moving violation covered above, excluding unlawful speed, resulting in a crash--4 points.
 9. Any conviction under s. 403.413(6)(b)--3 points.
 10. Any conviction under s. 316.0775(2)--4 points.
 11. Any conviction under s. 316.081--4 points.

Section 5. The Department of Highway Safety and Motor Vehicles shall provide an educational awareness campaign informing the motoring public about the Road Rage Reduction Act. The department shall provide information about the Road Rage Reduction Act in all newly printed driver's license educational materials after October 1, 2006, and in public service announcements produced in cooperation with the Florida Highway Patrol.

Section 6. Effective July 1, 2006, a driver of a motor vehicle who does not violate the then-existing provisions of s.

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141 316.081, Florida Statutes, but whose conduct would violate those
 142 provisions as amended effective January 1, 2007, may be issued a
 143 verbal warning and given educational literature regarding the
 144 changes in this act by a law enforcement officer.

145 Section 7. Except as otherwise expressly provided in this
 146 act, this act shall take effect July 1, 2006.